

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KARL JACOB STURM,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. 6:21-cr-03119-1-MDH

ORDER

Before the Court is Defendant's Pro Se Motion for Return of Property. At the time of Defendant's arrest on or about September 16, 2021, law enforcement officers seized approximately \$7,180.00 from Defendant's possession. Defendant was convicted June 21, 2022, of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Defendant seeks return of the money seized. The Government concedes that, to its knowledge, no forfeiture proceeding has been undertaken for the \$7,180.00, either in state or federal court. The Government contends, however, that the funds remain in state rather than federal custody, as the funds were originally seized by two Springfield Police Officers. It is of no consequence, the Government contends, that at least one of the seizing officers was working as a task force officer for the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives at the time of the arrest.

Under Missouri law, officers must report any property seizures subject to forfeiture to the relevant prosecuting attorney within four days of the seizure. RSMO § 513.607.6(2). The prosecuting attorney must in turn initiate forfeiture proceedings in state court, if at all, within ten

days of notice of seizure. *Id.* Missouri law also establishes that the state prosecutor may seek from state court transfer of the seized property to federal authorities, if the state prosecutor believes forfeiture is most appropriate under federal law. RSMO § 513.647. All Missouri law enforcement officers, even those working in conjunction with federal authorities, remain subject to Missouri's forfeiture laws. RSMO § 513.649.

Here, neither Defendant, nor the record generally, suggests the Greene County prosecutor has sought transfer under Missouri law of the seized property. Accordingly, there is no evidence the property at issue is in federal custody, indicating this Court lacks *in rem* jurisdiction over the property in question. On this basis, Defendant's Motion is **DENIED**. This Court instructs Defendant to seek clarification from the offices of the Springfield Police Department and the Greene County Prosecuting Attorney.

IT IS SO ORDERED.

DATED: April 5, 2024

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE